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09/943,894	08/29/2001	Eric D. Anderson	500247.02	2382

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Mark W. Roberts, Esq.  
DORSEY & WHITNEY LLP  
Suite 3400  
1420 Fifth Avenue  
Seattle, WA 98101

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/943,894

Applicant(s)

ANDERSON, ERIC D.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-29 and 37-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 11 – 29, 37 – 44 are presented for examination.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 38 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of, “if it is determined that multiple recipients have not been indicated”, is not specifically disclosed and the meaning of “indicated” seems to be ambiguous for the reasons that when it is used in other claims, it would seem to have different meanings/functions.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “distinct indicator” is not specifically disclosed, as to the meaning, in the specification. It will be assume that the Applicant means a type of encryption key so the recipient of the Email communication can decrypt the Email.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 – 13, 16 – 24, 27 – 29, 37 – 39, 41 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon U.S. Patent No. 6067561 in view of Arnold (6275848).

7. As per claim 11, Dillon teaches a computer-implemented method for sending an Email communication to recipients, the method comprising:

8. receiving an indication of an Email communication and of at least one recipient to receive the Email communication, (e.g. col. 1, line 25 – col. 2, line 38);

9. if it is determined that multiple recipients have been indicated,

- a. storing the Email communication, (e.g. col. 3, lines 12 – 65);
- b. notifying each of the multiple recipients of the Email to communication without sending the Email communication to the recipients, (e.g. col. 1, line 25 – col. 2, line 38 & col. 3, lines 12 – 65);

10. in response to a request for the Email communication from a recipient, sending the Email communication to the recipient, (e.g. col. 1, line 25 – col. 2, line 38 & col. 3, lines 12 – 65).

Dillon does not specifically teach determining whether multiple recipients of the Email

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communication have been indicated in the received indication. Arnold teaches determining whether multiple recipients of the Email communication have been indicated in the received indication, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with Dillon because it would be more efficient for a system to acknowledge when multiple recipients have been indicated so if the sender needed to know which recipient did not receive an Email the sender could resend the Email to the recipients that are missing the Email or have misplaced it.

11. As per claim 12, as interpreted by the Examiner, Dillon teaches if it is determined that multiple recipients have not been indicated, sending the Email communication to the recipient without waiting for a request for the Email communication, (e.g. col. 1, line 25 – col. 2, line 6).

12. As per claim 13, Dillon teaches the use of storing and sending Email communication but does not specifically teach tracking the sending of the Email communication to the recipients; and

13. when the Email communication has been sent to all of the recipients, deleting the stored Email communication. Arnold teaches tracking the sending of a communication to the recipients, (e.g. col. 4, line 25 – col. 5, line 25); and

14. when a communication has been sent to all of the recipients, deleting the stored Email communication, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold's limitation of deleting an attachment after all recipients have viewed it with Dillon's limitation of storing Email because it

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is common for systems to utilize a Email server to store Email for recipients and if a group of recipients have all viewed the Email and no longer desire the use of the stored Email on the Email server then it would be advantageous for the Email to be deleted so the Email server can have more space for other Emails that are to be sent.

15. As per claim 16, Dillon does not specifically teach determining a period of time for which the Email communication will be stored; and

16. when the determined period of time has expired, deleting the stored Email communication. Arnold teaches determining a period of time for which the Email communication will be stored, (e.g. col. 4, line 25 – col. 5, line 25); and

17. when the determined period of time has expired, deleting the stored Email communication, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with Dillon because of reasons disclosed above, furthermore, if a user has information that is forgotten for a period of time, the system could delete this information, therefore freeing up space in memory.

18. As per claim 17, as interpreted by the Examiner, Dillon teaches wherein the notifying of a recipient of the Email communication involves sending a distinct indicator Email communication to the recipient, (e.g. col. 9, line 60 – col. 10, line 40).

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19. As per claim 18, Dillon teaches including retrieving notifying instructions for a recipient, and wherein the notifying of the recipient is performed according to the notifying instructions, (e.g. col. 3, line 36 – col. 4, line 41).

20. As per claim 19, Dillon does not specifically teach wherein the notifying instructions are supplied by a sender of the Email communication. Arnold teaches wherein the notifying instructions are supplied by a sender of the Email communication, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with Dillon because if the sender needed specific functions to be carried out with the Email communication it would be more efficient for a system to have the sender send instructions to a Email server to only allow specific recipients in a group to access the Email communication, delete the Email at a specific time, automatically send the Email to recipients at a specified time, etc.

21. As per claim 20, Dillon teaches wherein the notifying instructions are supplied by the recipient, (e.g. col. 3, line 36 – col. 4, line 41).

22. As per claim 21, Dillon does not specifically teach wherein the notifying instructions are determined automatically based on past interactions with the recipient. Arnold teaches wherein the notifying instructions are determined automatically based on past interactions with the recipient, (e.g. col. 5, line 25 – col. 6, line 49). It would have been obvious to one skilled in the

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art at the time the invention was made to combine Arnold with Dillon because it is a more efficient way to have a Email communication dealt with, therefore saving time on the users side.

23. As per claim 22, Dillon teaches wherein the notifying instructions indicate that the notifying is to be performed in an encrypted manner, (e.g. col. 9, line 60 – col. 10, line 14).

24. Claims 23, 24, 27 – 29, 37 – 39 and 41 - 43 are rejected for similar reasons as stated above.

25. Claims 14, 15, 25, 40, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (6067561) in view of Arnold (6275848) in further view of Foladare et al. (6311210) (hereinafter Foladare).

26. As per claim 14, Dillon and Arnold do not specifically teach when it is determined that the Email communication has been sent to all of the recipients and that none of the recipients have indicated that the Email communication is to be saved, deleting the stored Email communication. Foladare teaches when it is determined that the Email communication has been sent to all of the recipients and that none of the recipients have indicated that the Email communication is to be saved, deleting the stored Email communication, (e.g. col. 3, lines 15 – 35). It would have been obvious to one skilled in the art at the time the invention was made to combine Foladare with the combined system of Dillon and Arnold because if the Email



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communication is no longer needed, the user could have it deleted, therefore freeing up space on the system.

27. As per claim 15, Dillon and Arnold do not specifically teach when it is determined that the Email communication has been sent to all of the recipients and that all of the recipients have indicated that the Email communication can be deleted, deleting the stored Email communication. Foladare teaches when it is determined that the Email communication has been sent to all of the recipients and that all of the recipients have indicated that the Email communication can be deleted, deleting the stored Email communication, (e.g. col. 3, line 55 – col. 4, line 15). It would have been obvious to one skilled in the art at the time the invention was made to combine Foladare with the combined system of Dillon and Arnold because in case a user makes the mistake of deleting information or is unsure if the information selected for deletion is correct, the system would have to have permission to delete the information. This could be used in a form of error checking.

28. Claims 25, 40, 44 are rejected for similar reasons as stated above.

29. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (6067561) in view of Arnold (6275848) in further view of Landfield et al. (5632011) (hereinafter Landfield).

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30. As per claim 26, Dillon and Arnold do not specifically teach automatically sending the Email communication to a non-recipient authorized to access the Email communication.

Landfield teaches automatically sending the Email communication to a non-recipient authorized to access the Email communication, (e.g. col. 6, lines 60 – 67). It would have been obvious to one skilled in the art at the time the invention was made to combine Landfield with the combined system of Dillon and Arnold because if there is Email communication data that would have information that is dangerous to the system an non-recipient authorized to access the Email communication, (i.e. administrator), could check it for harmful information that could damage the system.

### *Conclusion*

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. a. Lee et al. U.S. Patent No. 6212553 discloses Method for sending and receiving flags and associated data in e-mail transmissions.

33. b. Shaw et al. U.S. Patent No. 6249807 discloses Method and apparatus for performing enterprise email management.

34. c. Kuzuma U.S. Patent No. 5781901 discloses Transmitting electronic mail attachment over a network using an E-mail page.

35. Devine et al. U.S. Patent No. 6385644 discloses Multi-threaded web based user inbox for report management.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De   
July 24, 2003

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100